

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

BRIAN POSTRELKO,)	
)	
Plaintiff,)	
)	
v.)	Case No.
)	
CITY OF CHICAGO, a Municipal)	Honorable
Corporation, POLICE DEPARTMENT,)	
and officer CARRIE A. COONEY,)	Magistrate Judge
individually, and as an agent and)	
employee of the CITY OF CHICAGO,)	
)	
Defendants.)	

NOTICE OF REMOVAL

Defendants City of Chicago (“the City”) and Carrie A. Cooney (“Cooney), through their attorney, Celia Meza, Corporation Counsel for the City of Chicago, respectfully request removal of the above entitled action to this Court pursuant to 28 U.S.C. §§ 1441(a) and 1446(b). In support of this Notice of Removal, the Defendants submit the following.

1. The City and Cooney are named Defendants to a civil action filed on July 6, 2021 in the Circuit Court of Cook County, Illinois as Case No. 2021 L 006834, captioned BRIAN POSTRELKO v. CITY OF CHICAGO and CARRIE A. COONEY. In the six-count complaint, Plaintiff Brian Postreklo (“Postrelko) alleged the City and Cooney violated the Illinois Human Rights Act, 775 ILCS 5/2-102 (“IHRA”) by making “inappropriate sexual overtures” towards Plaintiff. *See* Summons and Complaint, attached hereto as **Exhibit A**, at Counts I & IV. The Complaint also alleged that the City and Cooney committed battery against Plaintiff by “pulling [Plaintiff] by his backpack” and “touching his back and neck without his consent”. *See* Counts II and V of Exhibit A. Finally, Counts III and VI allege that the City and Cooney intentionally caused Plaintiff emotionally distress through the “inappropriate sexual overtures” and alleged battery.

2. A Summons and the Complaint were served on the City on July 15, 2016. The parties agree to extend Defendant's Answer or otherwise pleading due date to October 1, 2021 and further agreed to transfer the case to the commercial calendar of the law division of the Circuit Court. *See* Emails between parties, attached hereto as **Exhibit B**. On August 18, 2021, undersigned counsels appeared for the City and Cooney Respectively. *See* Appearances filed by undersigned counsel on behalf of the City and Cooney, attached hereto as **Exhibit C**.

3. On October 1, 2021, the City and Cooney filed Motions to Dismiss. *See* City's Motion to Dismiss, attached hereto as **Exhibit D** and Cooney's Motion to Dismiss attached hereto as **Exhibit E**.

4. A briefing schedule was set allowing Plaintiff until November 5, 2021 to file responses to the motions. *See* October 13, 2021 order, attached hereto as **Exhibit F**.

5. In lieu of filing a response, the parties agreed to allow Plaintiff to file an amended complaint and filed a motion to strike the briefing schedule. *See* Joint Motion to Strike Briefing Schedule and allow Plaintiff to Amend, attached hereto as **Exhibit G**. Plaintiff was given until December 15, 2021 to do so. *See* November 16, 2021 Court Order, attached hereto as **Exhibit H**. On December 15, 2021, Plaintiff filed an amended complaint that added Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. § 2000e et seq.). *See* Amended Complaint, attached hereto as **Exhibit I**.

6. This Court has federal question jurisdiction over the Title VII claim asserted in Counts II and Counts VI pursuant to 28 U.S.C. §§ 1331 and 1343, as that claim arises under the Constitution and laws of the United States. This Court has supplemental jurisdiction over the claims asserted in Count I, III, IV, V, VII, and VIII pursuant to 28 U.S.C. § 1367 as those claims are so related to the Title VII claim asserted in Counts II and VI as to comprise part of the same case or controversy under

Article III of the U.S. Constitution.

7. The City is entitled to remove this action pursuant to the provisions of 28 U.S.C. §§ 1441(a) and 1446(b), in that this Court has original jurisdiction over the claims asserted in the First Amended Complaint and this Notice of Removal is filed within 30 days of receipt of the Amended Complaint, which first contained the Title VII claims against the City and Cooney. 28 U.S.C. §§ 1331, 1343, 1367, 1446(b)(3). Further, copies of “all process, pleadings, and orders served upon such defendant” in the Circuit Court matter are attached herein. 28 U.S.C. § 1446(a).

8. This Notice of Removal is contemporaneously served on Plaintiff’s counsel and filed with the Clerk of the Circuit Court of Cook County, Illinois.

WHEREFORE, Defendants City of Chicago and Carrie A Cooney respectfully requests that the above-entitled action now pending in the Circuit Court of Cook County, Illinois, Case Number 2021 L 006834, be removed to this Court.

Dated: January 11, 2022

By: s/ Jessica R. Durkin
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